

September 22, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **Subscriber Acknowledgement Report (September 22, 2005)**  
**Lightyear Network Solutions, LLC; WC Docket No. 05-196**

Dear Ms. Dortch:

Lightyear Network Solutions, LLC ("Lightyear"), through its undersigned counsel and in response to the Public Notice issued by the Enforcement Bureau ("Bureau") on August 26, 2005 ("Public Notice"), submits this Subscriber Acknowledgement Report ("Report") to advise the Commission of the status of Lightyear's efforts to comply with Commission Rule 9.5(e). Lightyear previously filed a Subscriber Acknowledgement Report on September 1, 2005 in response to the Bureau's August 26, 2005 Public Notice ("September 1 Report").

As requested in the Public Notice, Lightyear responds to the following questions set out in the Public Notice:

- 1) **A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

As detailed in response to question 4 in Lightyear's August 10 Report, Lightyear distributed labels and sent advisories to all of its customers by the July 29, 2005, deadline.

- 2) **A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

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As of September 21, 2005, Lightyear has obtained affirmative acknowledgement from approximately 87.3% of its subscriber base. Lightyear cannot predict with certainty what its final response rate will be, but estimates that 10% of its customers will still not have provided affirmative acknowledgement by September 28, 2005.

**3) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

Lightyear is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. Lightyear continues to send e-mails, to make telephone calls, and to restrict Account Manager access of those subscribers who have not affirmatively acknowledged the E911 disclosure. Additionally, Lightyear has implemented a "soft" disconnect procedure, as described in response to question 4, for those customers that have not provided affirmative acknowledgement.

**4) A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.**

Lightyear has implemented a "soft" disconnect procedure for those customers that have not provided affirmative acknowledgement. The "soft" disconnect allows affected customers to place 911 calls, but prevents the initiation of all other types of outbound calls. When a customer that has not provided affirmative acknowledgement picks up their phone to make a call, they will hear a simulated dial tone. If the customer attempts to place an outbound call other than to 911, the call is routed to a pre-recorded message informing the customer that they must provide affirmative acknowledgement in order to restore the full functionality of their VoIP service. The pre-recorded message instructs customers to access their Account Manager via the Lightyear website, log in with their VoIP number, complete the acknowledgement, and their outbound calling service will be fully functional. The pre-recorded message also provides customers with a toll free number to contact Lightyear's customer support center should they have any questions or need assistance in accessing their Account Manager.

Respectfully submitted,



Russell M. Blau

Ronald W. Del Sesto, Jr.

Counsel for Lightyear Network Solutions, LLC

cc: Byron McCoy (FCC)  
Kathy Berthot (FCC)  
Janice Myles (FCC)  
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I, Linda Hunt, state that I am Director of Legal and Regulatory Affairs, of Lightyear Network Solutions, LLC; that I am authorized to submit the foregoing *Subscriber Acknowledgment Report* (“*Report*”) on behalf of Lightyear Network Solutions, LLC; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that this report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, reading "Linda Hunt", written in dark ink. The signature is positioned above a horizontal line.

Name: Linda Hunt

Title: Director of Legal and Regulatory Affairs  
Lightyear Network Solutions, LLC